



PATENT
Customer No. 22,852
Attorney Docket No. 05788.0182-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Tony Brown et al.) Group Art Unit: 2874
)
Application No.: 09/961,335) Examiner: Not Assigned
)
Filed: September 25, 2001)
)
For: WATER RESISTANT CABLE)
)

Commissioner for Patents
Washington, DC 20231

Sir:

DECLARATION OF MARIANGELA SALA UNDER 37 C.F.R. 1.47(a)

I, Mariangela Sala, hereby declare as follows:

1. I am employed in the Industrial Property Department of Pirelli S.p.A. at Viale Sarca 222, 20126 Milano, Italy, as assistant in patent formalities. One of my responsibilities is to assist in the processing of my company's patent applications to be filed in the United States and Canada.

2. On July 23, 2001, I sent a message by electronic mail (e-mail) to Mr. Nigel Shackleton, an employee of Pirelli Cables Ltd. in Newport, United Kingdom, a subsidiary of Pirelli Società per Azioni (Pirelli S.p.A.) and a coinventor of the patent application identified by our reference number PC805 (now U.S. Patent Application Serial No. 09/961,335, filed September 25, 2001) and entitled "WATER RESISTANT CABLE," at his last known e-mail address as shown on pages 2 and 3 of the attached

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series of e-mail messages identified as EXHIBIT A, to inform him that the corresponding international patent application was filed on March 22, 2000, and would be filed in the States (United States) by September 22, 2001, and that his signature would be needed on formal papers for entering the national phase. In the July 23, 2001, e-mail, I asked him to confirm his address as:

Bryn View, 19 Shore Road
Littleborough, Lancashire OL 15 9LG
United Kingdom

and, since I was not able to contact coinventor Mr. Tony Brown, I also requested Mr. Shackleton to confirm the address of Mr. Brown as:

12, Priory Avenue
Ewenny, Bridgend, CF31, 3 LR
United Kingdom

3. Since I did not receive a response from Mr. Shackleton to my July 23, 2001, e-mail, on July 25, 2001, I sent an e-mail message to Mr. Nigel Fishlock, Mr. Shackleton's manager, to ask him for assistance as shown on page 2 of the attached series of e-mail messages identified as EXHIBIT A.

4. In an e-mail message dated July 26, 2001, Mr. Fishlock informed me that Mr. Shackleton was no longer employed by Pirelli as shown on page 2 of the attached series of e-mail messages identified as EXHIBIT A.

5. On July 26, 2001, I was advised by e-mail from Ms. Sarah Radford, a U.K. colleague at Pirelli Cables Ltd., of the following most recent addresses (last known

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addresses) of Mr. Shackleton and Mr. Brown:

Nigel Shackleton
19 Five Locks Close
Pontnewydd
Gwent
United Kingdom
NP44 1DB

Tony Brown
12 Priory Avenue
Ewenny
Bridgend
United Kingdom
CF 31 3LR

as shown on page 1 of the attached series of e-mail messages identified as EXHIBIT A.

6. In response to my July 26, 2001, e-mail message to Ms. Radford requesting Mr. Shackleton's e-mail address or telephone number, on July 30, 2001, Ms. Radford advised me that Mr. Shackleton's last known telephone number was 01633 774027, as shown on page 1 of the attached series of e-mail messages identified as EXHIBIT A.

7. On July 30, 2001, I tried to contact Mr. Shackleton in the U.K. at telephone number 01633 774027 but with no success.

8. On July 30, 2001, I requested assistance by e-mail from Mr. Martin Davies, Chief Engineer of Pirelli Cables Ltd., Newport, United Kingdom, regarding the problems relating to obtaining the last known addresses and the requirement for the signatures of the two inventors on formal papers for this patent application as shown on pages 1 and 2 of the attached series of e-mail messages identified as EXHIBIT B. Mr. Davies referred this matter to Mr. Nigel Fishlock who informed me by an e-mail message on August 2, 2001, that he had contacted Mr. Shackleton and that Mr. Shackleton was

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unwilling to give or confirm his current address, as shown on page 1 of the attached series of e-mail messages identified as EXHIBIT B.

9. On October 10, 2001, I prepared and sent a letter dated October 10, 2001, to Roger Healey, patent liaison of Pirelli General, (the U.K. parent firm of Pirelli Cables Ltd., which is a subsidiary of Pirelli S.p.A.), requesting that he forward the documents for U.S. and Canada for the above-identified patent application to Mr. Shackleton at his last known address for signatures, a copy of which is attached hereto and identified as EXHIBIT D.

10. At no time has Mr. Shackleton returned any of the documents to me, and I have not received any correspondence or other communication from him relating to the above-identified patent application.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that the willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed: Mariangela Sala
Mariangela Sala

Dated: 22 April 2002

ATTACHMENTS:
EXHIBIT A
EXHIBIT B
EXHIBIT D